

The City Council met in regular session at the hour of 8:32 a.m. in the Council Chamber, City Hall, on the day above written.

Present:	Brian Calhoun	Councilmember
	Brad Castillo	Acting Council President
	Mike Dages	Councilmember
	Jerry Duncan	Councilmember
	Henry Perea	Councilmember
	Cynthia Sterling	Councilmember
	Tom Boyajian	Council President

Dan Hobbs, City Manager
Andy Souza, Assistant City Manager
Hilda Cantu Montoy, City Attorney
Jim Sanchez, Chief Assistant City Attorney
Becky Klisch, City Clerk
Yolanda Salazar, Assistant City Clerk

Pastor Ara Guekuegian, Pilgrim Armenian Church, gave the invocation, and Assistant Principal Toby Waite led the Pledge of Allegiance to the Flag.

PROCLAMATIONS TO BUSINESSES IN DISTRICT 3 THAT SPONSORED 6TH GRADE GRADUATION PARTIES -
COUNCILMEMBER STERLING

PROCLAMATION OF PAT BROWN DAY - PRESIDENT BOYAJIAN

The above proclamations were read and presented.

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APPROVE MINUTES OF JUNE 10, 2003

On motion of Councilmember Dages, seconded by Councilmember Sterling, duly carried, RESOLVED, the minutes of June 10, 2003, approved, *as amended*, on Page 141-243, Item 3A, correcting the second-maker of the motion from Councilmember Calhoun to Councilmember Dages.

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COUNCILMEMBER REPORTS AND COMMENTS

(1) REQUEST FOR REPORT ON DUTIES AND SALARIES OF SACRAMENTO AND WASHINGTON, D.C. CONSULTANTS AND WHAT THEY HAVE ACCOMPLISHED TO DATE; (2) REQUEST FOR REPORT ON DUTIES AND GOALS OF THE CALIFORNIA MAYOR'S CONFERENCE ORGANIZATION; AND (3) IS THERE A CONFLICT OF INTEREST WITH THE CALIFORNIA MAYOR'S CONFERENCE HIRING THE MAYOR OF THE CITY OF CLOVIS WITH CITY FUNDS - COUNCILMEMBER DAGES

Requests made with Assistant City Manager Souza briefly responding, and City Attorney Montoy stated she would check into the conflict of interest question.

REQUEST FOR INFORMATION ON THE JOBS INITIATIVE - ACTING PRESIDENT CASTILLO

Request made.

ACKNOWLEDGMENT OF THE OPENING OF THE PALM CENTER FOR THE PERFORMING ARTS IN FIG GARDEN VILLAGE -
COUNCILMEMBER DUNCAN

Calhoun later commended the Center and added he was taking his staff to its first performance on July 10th.

HATE CRIME IN DISTRICT 1 - ACTING PRESIDENT CASTILLO

Acting President Castillo advised he spoke with the family who was devastated but stated some good came out of the incident as a glass company offered its assistance and discussions were occurring with a tire company to help the family.

COMMENDATION TO AIRPORTS STAFF AND K-JEWEL RADIO STATION FOR THE SUCCESSFUL CHANDLER FIELD FLY-IN EVENT - COUNCILMEMBER CALHOUN

Commendation made.

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APPROVE AGENDA

On motion of Councilmember Dages, seconded by Councilmember Sterling,, duly carried, RESOLVED, the **AGENDA** hereby adopted, by the following vote:

Ayes	:	Calhoun, Castillo, Dages, Duncan, Perea, Sterling, Boyajian
Noes	:	None
Absent	:	None

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ADOPT CONSENT CALENDAR

Gloria Torrez, Fresno, CA, spoke to Item **1-C** and questioned why the trucks were being purchased as she heard at least 5trucks were sitting in the parking lot and expressed concern that the issue was coupled with FAX and the fueling station; and relative to Item **1-D** stated at least 1500 bus stops needed to be taken care of and spoke to the need for bus stop amenities/improvements, increased frequencies on key lines, removal of the fare increase, clean air diesel buses, and for all FAX monies to stay with FAX.

Barbara Hunt, 2475 S. Walnut, spoke to: Item **1-A** questioning why the contract was being awarded to a company in Clovis and not to a Fresno company; to Item **1-B** expressing concern stating the area was in the county; and to Items **1-D**, **1-E** and **1-F** expressing concern with the bids being rejected and explained.

(1-A) AWARD A CONTRACT TO EMMETT'S EXCAVATION, INC., OF CLOVIS, CA, IN THE AMOUNT OF \$2,724,224 FOR FRESNO CHANDLER DOWNTOWN AIRPORT AIRFIELD IMPROVEMENTS

(1-B) AWARD A CONTRACT TO SUMMIT ELECTRICAL CONSTRUCTION OF CLOVIS, CA IN THE AMOUNT OF \$112,950 FOR TRAFFIC SIGNAL INSTALLATION AT FRIANT AND RICE/LAKEVIEW AVENUES

(1-C) AWARD A ONE-YEAR REQUIREMENTS CONTRACT WITH PROVISIONS FOR TWO ONE-YEAR EXTENSIONS TO CENTRAL VALLEY TRUCK CENTER OF FRESNO IN THE AMOUNT OF \$2,323,459.22 FOR FRONT LOADING REFUSE TRUCK COMBINATION OF THE AUTOCAR WX64 CHASSIS WITH SMART BODY

(1-D) REJECT ALL BIDS RECEIVED FOR A REQUIREMENTS CONTRACT FOR TRANSIT SHELTERS

(1-E) REJECT ALL IDS FOR THE REQUIREMENTS CONTRACT FOR WATER WELL CLEANING AND DIRECT STAFF TO REBID THIS PROJECT IN THE FALL

(1-G) ADOPT CITY POLICY DOCUMENTS IMPLEMENTING THE DRUG AND ALCOHOL TESTING REGULATIONS ON ALL AFFECTED LABOR UNITS AS REQUIRED BY THE FEDERAL TRANSIT ADMINISTRATION (FTA) AND THE FEDERAL MOTOR CARRIER SAFETY ADMINISTRATION (FMCSA)

(1-H) AUTHORIZE STAFF TO NEGOTIATE AND ENTER INTO AN AMENDMENT TO THE PROFESSIONAL SERVICES AGREEMENT WITH BOYLE ENGINEERING CORPORATION FOR A NOT TO EXCEED AMOUNT OF \$46,000, SUBJECT TO APPROVAL AS TO FORM BY THE CITY ATTORNEY, AND AUTHORIZE THE CITY MANAGER OR DESIGNEE TO SIGN THE AGREEMENT ON BEHALF OF THE CITY

(1-J) RESOLUTION NO. 2003-182 - APPROVING THE FINAL MAP OF TRACT NO. 5071, SOUTH SIDE OF CLINTON AVENUE BETWEEN N. BRAWLEY AND N. BLYTHE AVENUES, AND ACCEPTING DEDICATED PUBLIC USES THEREIN

1. AUTHORIZE THE PUBLIC WORKS DIRECTOR TO EXECUTE THE SUBDIVISION AGREEMENT AND THE STATEMENT OF COVENANTS AFFECTING LAND DEVELOPMENT FOR LANDSCAPE MAINTENANCE
2. AUTHORIZE THE PLANNING AND DEVELOPMENT DIRECTOR TO EXECUTE THE STATEMENT OF COVENANTS AFFECTING LAND DEVELOPMENT DEFERRING CERTAIN SEWER CONNECTION CHARGES, WATER CONNECTION CHARGES, URBAN GROWTH MANAGEMENT FEES AND DEVELOPMENT FEES TO THE TIME OF ISSUANCE OF CERTIFICATE OF OCCUPANCY AND CREATION OF LIEN, AND THE STATEMENT OF COVENANTS AFFECTING LAND DEVELOPMENT TO PLANT AND MAINTAIN FRONT YARD TREES

(1-K) RESOLUTION NO. 2003-183 - APPROVING THE FINAL MAP OF TRACT NO. 5099, EAST SIDE OF N. MAPLE AVENUE BETWEEN E. TEAGUE AND E. SHEPHERD AVENUES, AND ACCEPTING DEDICATED PUBLIC USES THEREIN

1. AUTHORIZE THE PUBLIC WORKS DIRECTOR TO EXECUTE THE SUBDIVISION AGREEMENT AND THE STATEMENT OF COVENANTS AFFECTING LAND DEVELOPMENT FOR LANDSCAPE MAINTENANCE
2. AUTHORIZE THE PLANNING AND DEVELOPMENT DIRECTOR TO EXECUTE THE STATEMENT OF COVENANTS AFFECTING LAND DEVELOPMENT DEFERRING CERTAIN SEWER CONNECTION CHARGES, WATER CONNECTION CHARGES, URBAN GROWTH MANAGEMENT FEES AND DEVELOPMENT FEES TO THE TIME OF ISSUANCE OF CERTIFICATE OF OCCUPANCY AND CREATION OF LIEN, AND THE STATEMENT OF COVENANTS AFFECTING LAND DEVELOPMENT TO PLANT AND MAINTAIN FRONT YARD TREES

(1-M) RESOLUTION NO. 2003-184 - AUTHORIZING SUBMITTAL OF A GRANT APPLICATION FOR \$50,000 TO THE CALIFORNIA INTEGRATED WASTE MANAGEMENT BOARD (CIWMB), FOR FUNDING UNDER THE WASTE TIRE PLAYGROUND COVER GRANT PROGRAM FY 03-04, TO REPLACE THE PLAYGROUND SURFACING AT LAFAYETTE PARK

On motion of Councilmember Dages, seconded by Councilmember Sterling, duly carried, RESOLVED, the above entitled **CONSENT CALENDAR** hereby adopted, by the following vote:

Ayes	:	Calhoun, Castillo, Dages, Duncan, Perea, Sterling, Boyajian
Noes	:	None
Absent	:	None

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CONTESTED CONSENT CALENDAR

(1-I) AWARD AN INTERIM CONTRACT TO CALIFORNIA INDUSTRIAL SERVICES (CIS) FOR SECURITY SERVICES AT CITY HALL AND DOWNTOWN LOCATIONS

Purchasing Manager Taggart and Assistant City Manager Souza clarified issues and/or responded to questions of Acting President Castillo relative to how long the current contract had been in place, number of proposals that were received, purpose of the interim contract, and the evaluation process, with Acting President Castillo requesting information on what evaluation process entailed and the criteria that has been used in the past citing the need to insure fairness.

On motion of Acting President Castillo, seconded by Councilmember Duncan, duly carried, RESOLVED, a 2-month interim contract in the amount of \$35,000 with California Industrial Services (CIS) for security services at City Hall and 12 downtown parking lots through July 31, 2003, hereby authorized until the current proposal process is completed and an award is made, by the following vote:

Ayes	:	Calhoun, Castillo, Dages, Duncan, Perea, Sterling, Boyajian
Noes	:	None
Absent	:	None

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(2-A) * BILL NO. B-46 - ORDINANCE NO. 2003-48 - AMENDING SECTIONS OF THE UNIFORM FIRE CODE, 2001 EDITION, AS AMENDED BY THE STATE OF CALIFORNIA, 2001 EDITION, AND THE FRESNO MUNICIPAL CODE RELATING TO WOOD PRODUCTS AND RELATED MATERIALS STORAGE

On motion of Councilmember Duncan, seconded by Councilmember Perea, duly carried, RESOLVED, the above entitled Bill No. B-46 adopted as Ordinance No. 2003-48, by the following vote:

Ayes	:	Calhoun, Castillo, Dages, Duncan, Perea, Sterling, Boyajian
Noes	:	None
Absent	:	None

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CONTESTED CONSENT CALENDAR (CONTINUED FROM EARLIER)

(1-L) RESOLUTION NO. 2003-185 - AUTHORIZING SUBMITTAL OF THE GRANT APPLICATION FOR \$236,000 TO THE STATE DEPARTMENT OF PARKS AND RECREATION, FOR FUNDING UNDER THE SAFE NEIGHBORHOOD PARKS, CLEAN WATER, CLEAN AIR, AND COASTAL PROTECTION BOND ACT OF 2000 - MURRAY-HAYDEN YOUTH SERVICES AND URBAN PARKS PROGRAM, FOR THE JUNIOR GOLF LEARNING FACILITY PROJECT (*WITH THE ADDITION THAT THE DRAFT AGREEMENT WILL COME BACK TO COUNCIL FOR FINAL APPROVAL)

Upon question of Councilmember Calhoun, Interim Parks & Recreation Director Putnam confirmed the junior golf facility would be open to *all* youth and not just the economically challenged and disabled, and along with Assistant City Manager Souza and Chief Assistant City Attorney Sanchez clarified issues and/or responded to additional questions and concerns relative to the facility being run by a foundation and how that would work, the large amount of city and state funds involved and what will happen if the facility is run counter to the city's policies and procedures and is exclusive, if the city's name would be on the facility, if the city attorney's office had reviewed the issue/documents as to form, concern with the city losing control, what exactly was at issue this date **(2 - 0)**, "jumping through hoops" and why this matter was before Council at the 11th hour, timing and if there was a possibility the funds could be lost, the site for the facility and if it had been changed, and this being an unusual process from the beginning, concern with a "lot of loose ends", and need for the city attorney to review how the facility will be managed before Council takes action. Mr. Putnam stated staff would return with the draft agreement and Mr. Souza clarified this action would not bind Council to any agreement or site but would allow the process to continue.

Mr. Souza noted the new parks and recreation director would be on board next week and thanked Mr. Putnam for his work and what he did for the department during his tenure, with Mr. Putnam thanking Council and stating he appreciated the opportunity to serve and learned a lot.

Reading from the staff report that "this appropriation will ensure that a teaching facility in Southwest Fresno becomes a reality", Councilmember Dages made a motion to approve, which was seconded and later acted upon. President Boyajian spoke in support of the issue and Mr. Len Ross who he stated was committed to this facility and added he hoped this would become a reality very soon. Mr. Sanchez recommended the motion include bringing back the draft agreement after the application process has been extended or awarded again for another year, which was accepted by the motion-makers.

Mr. Putnam responded to questions/comments of Acting President Castillo relative to meaning of today's action, why applying for the funds was not done sooner, and what the hold up was, (with Putnam clarifying the site was the hold-up and not the language. Councilmember Calhoun questioned if the application would be written to specify the facility will be open to *all* youth even though it was targeting two groups, with Mr. Putnam stating the language would be permissive.

On motion of Councilmember Dages, seconded by Councilmember Sterling, duly carried, RESOLVED, the above entitled Resolution No. 2003-185 hereby adopted, and the City Manager or designee authorized to execute and submit all documents, including but not limited to, applications, agreements, amendments, and payment requests which might be necessary for the completion of this project, *and, in addition*, the agreement to be brought back to Council for approval, by the following vote:

Ayes	:	Calhoun, Castillo, Dages, Duncan, Perea, Sterling, Boyajian
Noes	:	None
Absent	:	None

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President Boyajian acknowledged and introduced his older Brother Harry Boyajian visiting from La Jolla, California.

(3-A) COUNCIL DISCUSSION AND DIRECTION TO STAFF REGARDING (*EVALUATING*) THE POTENTIAL EFFECTIVENESS OF A POLICY TO RESTRICT THE USE OF GAS POWERED LEAF AND LANDSCAPING BLOWERS IN THE CITY OF FRESNO - COUNCILMEMBER CALHOUN

Reviewed by Councilmember Calhoun who spoke to the important issue of air quality and to Council's efforts in dealing with that issue; stated he did not know if this restriction would be an answer but he felt Council owed it to their constituents to find out if leaf blowers were pollutants; clarified his intent was for staff to review and assess whether a policy or ordinance to restrict gas powered leaf and landscaping blowers would produce significant air pollution reduction results to warrant Council action; spoke to the challenge the valley faces and how Santa Barbara County had finally attained the federal standard for ozone; and made a motion to direct staff as outlined

Barbara Hunt, 2475 S. Walnut, spoke to the issue.

Councilmember Duncan advised he looked into the issue a year ago and the Air Pollution Control District provided good information and said regulating equipment was not warranted and that training would be better; stated restrictions would impact small business people trying to make a living; and stated he appreciated the concern but he felt this was premature and recommended staff monitor the air district. Councilmember Sterling stated Councilmember Calhoun was asking for a study which she supported, and noted a restriction could be a small component of the overall solutions to the air quality problem and seconded the motion. Councilmember Perea stated Councilmember Duncan's point was the air district was already in the process, or maybe doing a study, on the very issue staff would be asked to study; noted Los Angeles regulated leaf blowers/lawn mowers and a year later reversed their decision because they did not have the information to support it; and emphasized this was a very important issue and every incremental step in reducing harmful emissions into the ozone was beneficial but he felt the air district was the expert, had the resources, and preferred the issue be left to them. Upon question of President Boyajian, City Manager Hobbs stated staff's research would involve consultation with the air district and other venues.

A motion of Councilmember Calhoun, seconded by Councilmember Sterling, to direct staff to *evaluate* the potential effectiveness of a policy to restrict the use of gas powered leaf and landscaping blowers in the city of Fresno failed, by the following vote:

Ayes	:	Calhoun, Sterling
Noes	:	Castillo, Dages, Duncan, Perea, Boyajian
Absent	:	None

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The City Council recessed at 9:56 a.m. and convened in joint session with the Redevelopment Agency.

(9:30 A.M.) JOINT MEETING WITH THE REDEVELOPMENT AGENCY

APPROVE AGENCY MINUTES OF JUNE 10, 2003

On motion of Councilmember Dages, seconded by Councilmember Sterling, duly carried, RESOLVED, the Agency minutes of June 10, 2003, approved as submitted.

(“A”) CONTINUED HEARING TO CONSIDER ACTIONS RELATING TO THE APPROVAL AND ADOPTION OF THE PROPOSED FREEWAY 99-GOLDEN STATE CORRIDOR BOULEVARD REDEVELOPMENT PLAN

- 1. JOINT RESOLUTION - CERTIFYING PROGRAM ENVIRONMENTAL IMPACT REPORT NO. 03-01 (WITH ATTACHMENTS OUTLINED AND INCLUDED IN THE STAFF REPORT)**
- 2. AGENCY RESOLUTION - APPROVING AND ADOPTING THE REPORT TO THE CITY COUNCIL AND AUTHORIZING SUBMISSION TO THE COUNCIL**
- 3. JOINT RESOLUTION - ADOPTING FINDINGS THAT THE USE OF THE 20 PERCENT LOW AND MODERATE INCOME HOUSING SET-ASIDE FUNDS OUTSIDE THE FREEWAY 99-GOLDEN STATE CORRIDOR BOULEVARD REDEVELOPMENT PROJECT AREA WILL BE OF BENEFIT TO THE PROJECT AREA**
- 4. * BILL - ADOPTING THE REDEVELOPMENT PLAN FOR THE FREEWAY 99-GOLDEN STATE CORRIDOR BOULEVARD REDEVELOPMENT PROJECT (COUNCIL ACTION)**

Chair Duncan announced the time had arrived to consider the issue and opened the hearing.

Director Fitzpatrick advised a number of discussions were held with Fresno County and a Revised Boundary Alternative B taking out certain parcels and adding Roeding Park addressed the county's concerns and was now before the joint bodies; submitted into the record a Supplemental Report containing data and documentation and supporting Revised Boundary Alternative B material; and recommended the hearing be closed at the conclusion of the hearing this date and deliberation and final determination be set for June 24th.

Jose Barraza, County Administrative Office, submitted and read into the record a letter dated June 16, 2003, from Assistant CAO Hogg in support of the Revised Boundary Alternative B and withdrawing their objections to the project, a copy of which is on file in the office of the city clerk. Upon question of Mr. Fitzpatrick, Mr. Barraza confirmed the County was withdrawing all the written and oral presentations and documentary evidence presented and there would be no need for the joint bodies to report or make findings on the objections being withdrawn pursuant to redevelopment law if the Revised Boundary Alternative B were approved.

Upon call, no one else wished to be heard and Chair Duncan closed the hearing.

On motion of Councilmember Sterling, seconded by Acting President Castillo, duly carried, RESOLVED, the public hearing closed and deliberations and final action by the joint bodies set for June 24, 2003, at 9:30 a.m., by the following vote:

Ayes	:	Boyajian, Calhoun, Castillo, Dages, Perea, Sterling, Duncan
Noes	:	None
Absent	:	None

(“B”) REMOVED FROM THE AGENDA

(“C”) AWARD A CONTRACT TO KROEKER, INC., OF FRESNO, FOR DEMOLITION OF BUILDINGS AT VENTURA STREET, “O” STREET, SANTA CLARA STREET AND “N” STREET (*AGENCY ACTION*)

Redevelopment Administrator Murphey gave a brief overview of the issue as contained in the staff report as submitted and recommended award.

Barbara Hunt, 2475 S. Walnut, expressed concern with hiring consultants.

Ms. Murphey responded briefly to questions/comments of Member Perea relative to whether the demolition was associated with the State Courthouse project and need to preserve the Armenian Church.

On motion of Member Dages, seconded by Member Castillo, duly carried, RESOLVED, a contract in the amount of \$81,856 hereby awarded to Kroeker, Inc., of Fresno, for demolition of buildings at Ventura Street, “O” Street, Santa Clara Street and “N” Street, by the following vote:

Ayes	:	Boyajian, Calhoun, Castillo, Dages, Perea, Sterling, Duncan
Noes	:	None
Absent	:	None

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The joint bodies adjourned their meeting at 10:10 a.m. and the City Council reconvened in regular session.

(10:00 A.M.) HEARING ON COMMUNITY FACILITIES DISTRICT (CFD) NO. 2, ANNEXATION NO. 51, FINAL TRACT MAP NO. 4993

- 1. RESOLUTION NO. 2003-186** - ANNEXING TERRITORY TO CFD NO. 2 AND AUTHORIZING THE LEVY OF A SPECIAL TAX
- 2. RESOLUTION NO. 2003-187** - CALLING SPECIAL MAILED-BALLOT ELECTION
- 3. RESOLUTION NO. 2003-188** - DECLARING ELECTION RESULTS
- 4. * BILL NO. B-50 - ORDINANCE NO. 2003-49** - LEVYING A SPECIAL TAX FOR THE PROPERTY TAX YEAR 203-2004 AND FUTURE TAX YEARS RELATING TO CFD NO. 2, ANNEXATION NO. 51

(3 - 0) President Boyajian announced the time had arrived to consider the issue and opened the hearing. Senior Real Estate Agent Balch gave a brief overview of the issue as contained in the staff report as submitted.

Barbara Hunt, 2475 S. Walnut, spoke to the issue and expressed concerns. Acting President Castillo briefly left the meeting at 10:11 a.m.

Upon call, no one else wished to be heard and President Boyajian closed the hearing.

On motion of Councilmember Dages, seconded by Councilmember Duncan, duly carried, RESOLVED, the above entitled Resolution Nos. 2003-186, 2003-187 and 2003-188 hereby adopted, and the above entitled Bill No. B-50 adopted as Ordinance No. 2003-49, by the following vote:

Ayes	:	Calhoun, Dages, Duncan, Perea, Sterling, Boyajian
Noes	:	None
absent	:	Castillo

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(10:10 A.M.) HEARING ON COMMUNITY FACILITIES DISTRICT (CFD) NO. 2, ANNEXATION NO. 44, FINAL TRACT MAP NO. 5071

- 1. RESOLUTION NO. 2003-189** - ANNEXING TERRITORY TO CFD NO. 2 AND AUTHORIZING THE LEVY OF A SPECIAL TAX
- 2. RESOLUTION NO. 2003-190** - CALLING SPECIAL MAILED-BALLOT ELECTION
- 3. RESOLUTION NO. 2003-191** - DECLARING ELECTION RESULTS
- 4. * BILL NO. B-51 - ORDINANCE NO. 2003-50** - LEVYING A SPECIAL TAX FOR THE PROPERTY TAX YEAR 2003-2004 AND FUTURE TAX YEARS RELATING TO CFD NO. 2, ANNEXATION NO. 44

President Boyajian announced the time had arrived to consider the issue and opened the hearing. Senior Real Estate Agent Balch gave a brief overview of the issue as contained in the staff report as submitted.

Barbara Hunt, 2475 S. Walnut, spoke to the issue. Acting President Castillo returned to the meeting at 10:13 a.m.

Upon call, no one else wished to be heard and President Boyajian closed the hearing.

On motion of Councilmember Dages, seconded by Councilmember Duncan, duly carried, RESOLVED, the above entitled Resolution Nos. 2003-189, 2003-190 and 2003-191 hereby adopted, and the above entitled Bill No. B-51 adopted as Ordinance No. 2003-50, by the following vote:

Ayes	:	Calhoun, Castillo, Dages, Duncan, Perea, Sterling, Boyajian
Noes	:	None
Absent	:	None

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(9:30 A.M. "A") JOINT MEETING WITH THE REDEVELOPMENT AGENCY RELATING TO THE PROPOSED FREEWAY 99-GOLDEN STATE CORRIDOR BOULEVARD REDEVELOPMENT PLAN (CONTINUED FROM EARLIER)

Clarification was made by the city attorney and by Council consensus the hearing was officially closed and deliberations and final action were set for June 24, 2003.

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(2-B) * BILL NO. B-49 - ORDINANCE NO. 2003-51 - AMENDING THE FRESNO MUNICIPAL CODE RELATING TO INCREASING THE ALLOWABLE NUMBER OF CARD TABLES PER CARD ROOM

Assistant City Manager Souza reviewed the issue and clarified this was not related to the application for the transfer and sale of card tables. Upon question of President Boyajian, City Attorney Montoy confirmed at issue this date was the ordinance to expand the number of card tables per card room from 40 to up to 49 and that a report on the transfer would be before Council in one to two weeks.

Speaking to the issue were: Benjerman Raya, 1601 E. Muncie, opposed to the ordinance citing a monopoly; Barbara Hunt, 2475 S. Walnut, who stated the maximum number of tables should be increased for additional revenue to the city; and John Cardot, representing David Chanduloy, current owner of Diamond Sports Bar & Casino, and Lowell Carruth, representing Club One, both in support of the ordinance.

Councilmember Dages stated he was originally opposed to monopolies but noted it was brought to his attention that the gambling populace for the area was not just downtown but the entire valley, and stated because of that and because three other card rooms had failed downtown he supported the ordinance and made a motion to adopt it.

Mr. Souza clarified action this date would not require Council to allow only one card room but would give Council the option to consider that as one of multiple options that would be presented, and advised the transfer issue would be scheduled in one week, if this ordinance is approved, and Council at that time could discuss all the merits of the options and recommendation.

Upon question of Acting President Castillo, City Attorney Montoy confirmed the ordinance currently allowed for up to 50 tables in the city and if Council wanted to increase that number the issue would have to go to the voters. Ms. Montoy and Mr. Souza responded to further questions of Acting President Castillo and Councilmember Sterling relative to when Council would have the ability to put caveats on the transfer, if action to adopt could be reversed/amended later, and further clarification was made on the proposed ordinance, the upcoming transfer issue, and options to others interested in opening a card room. Mr. Raya reiterated his concern and spoke to how adoption of the ordinance would impact anyone even wanting to apply for a card room. Mr. Souza clarified currently no one could apply because all 50 tables were under operation and not available. Upon question of Acting President Castillo as to Mr. Raya's options Mr. Souza clarified the City was not in a position to interfere with the agreement between Diamond and Club One and this ordinance would simply give Council the authority to approve *up to* 49 tables per card room. Ms. Montoy clarified the City was not prohibiting Mr. Raya from talking to Club One and Diamond.

On motion of Councilmember Dages, seconded by Acting President Castillo, duly carried, RESOLVED, the above entitled Bill No. B-49 adopted as Ordinance No. 2003-51, by the following vote:

Ayes	:	Castillo, Dages, Duncan, Perea, Sterling, Boyajian
Noes	:	Calhoun
Absent	:	None

(10:15 A.M.) HEARING ON REZONE APPLICATION NO. R-03-005 AND ENVIRONMENTAL ASSESSMENT NO. R-03-005, FILED BY ROBERT SIEGRIST ON BEHALF OF RIVERPARK BIBLE CHURCH, PROPERTY LOCATED ON THE NORTHEAST CORNER OF N. MILLBROOK AND E. ALLUVIAL AVENUES

1. APPROVE CATEGORICAL EXEMPTION FOR ENVIRONMENTAL ASSESSMENT NO. R-03-05

2. BILL NO. B-52 - ORDINANCE NO. 2003-52 - AMENDING THE OFFICIAL ZONE MAP TO REZONE THE SUBJECT PROPERTY FROM AE-5/UGM TO C-P/UGM

President Boyajian announced the time had arrived to consider the issue and opened the hearing, and Planner Paz stated the staff report as submitted was complete.

Barbara Hunt, 2475 S. Walnut, and Robert Siegrist, representing the applicant, spoke in support.

Upon call, no one else wished to be heard and President Boyajian closed the hearing.

Councilmember Duncan stated approval would bring the project into compliance with the 2025 General Plan and made a motion to approve.

On motion of Councilmember Duncan, seconded by Councilmember Sterling, duly carried, RESOLVED, the Categorical Exemption for Environmental Assessment No. R-03-005 hereby approved, and the above entitled Bill No. B-52 rezoning the subject site adopted as Ordinance No. 2003-52, by the following vote:

Ayes	:	Calhoun, Castillo, Dages, Duncan, Perea, Sterling, Boyajian
Noes	:	None
Absent	:	None

Visiting students from Winchell Elementary School were recognized and welcomed.

(3-B) CONSIDERATION AND DIRECTION REGARDING ESTABLISHMENT OF A PLAN TO HIRE TRAFFIC CONSULTANTS ON A REVOLVING BASIS - PRESIDENT BOYAJIAN

President Boyajian stated he scheduled the issue because he felt sometimes consultants who seem to have a relationship with the city are hired time after time and the procedure for those relationships was unknown, and questioned if the City had a revolving door, if there was a process where people had a right to compete, how consultants are hired, what the criteria was, what the procedures were and if the city could do better to allow anyone to participate in the process, and why the same individuals always get the contracts. City Manager Hobbs responded stating an administrative order was in place and referenced and spoke to information submitted to Council on various contracts and costs for services. Planning & Development Director Yovino explained the process of hiring traffic engineers and responded to additional questions and comments of President Boyajian relative to whether anyone else had been hired besides TPG, TPG's work on the general plan and cost, if cost was a factor in hiring, Council not knowing how some certain groups getting so many contracts is derived, and need to allow all qualified, competent firms to participate in the process. Mr. Yovino stated he would work with public works and sponsor a joint meeting with consultants to reassure them and make sure they know they are available to be selected on a rotating or alternating basis.

Barbara Hunt, 2475 S. Walnut, spoke in support **(4 - 0)**.

Acting President Castillo acknowledged there was value in having a relationship with a known firm, spoke to the Panagraph issue and stated he had a concern with those who feel they do not have an equal shot, stated the city had to send out the message that anyone who has a business would be given the same opportunity to do business with the city, and spoke in support of the issue stating competition was good and new blood was needed. City Attorney Montoy noted Acting President Castillo brought an item to Council about a year ago requiring an ordinance to ensure objectivity, advised the ordinance required the city manager to establish procedures for an objective process for selection of consultants, and stated the process had been in place for one year now pursuant to the administrative order and it was being followed by departments. Mr. Hobbs distributed the administrative order specifying the rules for bidding for professional services and stated he also wanted to make sure there was no favoritism in any respect and requested Council bring to his attention anything they perceive and he would follow up, and referencing the list of consultants submitted by President Boyajian stated he had no problem moving the work around but he would encourage staff to use local vendors on all of the city's work. Noting something was already in place President Boyajian asked staff to implement the process. Councilmember Dages referenced the material just submitted to Council and pointed out they were all below the \$10,000 threshold and Council had no authority to do anything about who gets what, with Mr. Hobbs and Ms. Montoy responding. There was no further discussion.

(3-C) DISCUSSION AND DIRECTION TO AMEND THE CITY COUNCIL RULES OF PROTOCOL TO INCLUDE CITY COUNCIL ITEMS FOLLOWING THE CONSENT ITEMS TO APPEAR AT 9:00 A.M. - COUNCILMEMBER CALHOUN

Councilmember Calhoun stated City Council items were very loosely scheduled, noted many members wanted their items addressed in the morning or at a time certain, stated having items set at a certain time would also benefit the public, and made a motion to amend the rules as outlined above.

Barbara Hunt, 2475 S. Walnut, spoke in support.

Upon call, the motion died for lack of a second.

PUBLIC COMMENT

APPEARANCE BY BARBARA HUNT, 2475 S. WALNUT, REGARDING THE ILLEGALITY OF THE MASTER SETTLEMENT AGREEMENT AND MEETING AT THE CONVENTION CENTER WITH THE BOARD OF SUPERVISORS

Appearance made.

RECESS - 11:16 A.M. - 11:30 A.M.

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(4-A) CLOSED SESSION - CONFERENCE WITH LEGAL COUNSEL - EXISTING LITIGATION - CASE NAME: HERITAGE FRESNO, MIDGE BARRETT V. CITY OF FRESNO, ET AL.

The City Council met in closed session in Room 2125 at the hour of 11:30 a.m. to consider the above issue and recessed for lunch thereafter.

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LUNCH RECESS - 11:50 A.M. - 1:32 P.M.

(1:30 P.M.) PUBLIC COMMENT - SCHEDULED COMMUNICATIONS

SUBMISSION OF REPORT BY SONIA HALL ON BEHALF OF ASSEMBLYMAN STEVE SAMUELIAN

Ms. Hall gave an update of what the assembly office has been doing in the district, submitted written material, and upon question of Acting President Castillo stated she would try to report back to Council once a month. There was no further discussion.

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(1:30 P.M.) CONTINUED HEARING ON THE FISCAL YEAR 2003-2004 CITY OF FRESNO BUDGET

- 1.* RESOLUTION - ADOPTING THE FY2004 CITY OF FRESNO BUDGET, INCLUDING THE COMMUNITY DEVELOPMENT BLOCK GRANT (CDBG) BUDGET AND THE ANNUAL APPROPRIATION RESOLUTION (AAR)
2. * RESOLUTION - ADOPTING THE FY 2004 POSITION AUTHORIZATION RESOLUTION (PAR)
3. * RESOLUTION - ADOPTING THE 409TH AMENDMENT TO THE MASTER FEE SCHEDULE (MFS) RES. 80-420 (ANNUAL AMENDMENT)
4. * BILL FOR INTRODUCTION AND ADOPTION ADOPTING THE PROPERTY TAX OVERRIDE (PTO) ORDINANCE
5. SELECTION OF METHODOLOGY FOR DETERMINATION OF FY 2004 GANN APPROPRIATION LIMIT
6. * RESOLUTION - ESTABLISHING RULES FOR THE APPLICATION OF CITY EMPLOYEE COMPENSATION RATES AND SCHEDULES AND RELATED REQUIREMENTS, AND ESTABLISHING COMPENSATION RATES AND SCHEDULES (FY 04 SALARY RESOLUTION)

DEPARTMENT PRESENTATIONS/COUNCIL CONSIDERATION (AS TIME PERMITS):

- a. DEPARTMENT OF PUBLIC UTILITIES
- b. PLANNING & DEVELOPMENT
- c. ECONOMIC DEVELOPMENT
- d. MAYOR
- e. FINANCE
- f. CITY MANAGER
- g. CAPITAL BUDGET CITY-WIDE

DEPARTMENT OF PUBLIC UTILITIES

Public Utilities Director McIntyre acknowledged his key staff in attendance, gave an overview of FY 04's goals and highlights, and along with Assistant Director Weimiller reviewed each division's accomplishments and issues.

Barbara Hunt, 2475 S. Walnut, spoke to the issue **(5 - 0)**.

Discussion ensued with Councilmembers Duncan and Perea expressing concern with the financial projections of the department and deficits and presented questions and/or commented on issues relative to reasons for the deficits, what was needed to turn the corner on capital needs, need for Council to understand the consequences and request to staff to submit a five year projection, what the current plan was to deal with the projected deficits, importance of having a plan and rate increases not being a good enough solution, what the specific

causes were for funds going into the red, sewer fund detail, how long staff had known about the projected deficits, and request to see a plan, with Mr. McIntyre and City Manager Hobbs responding throughout.

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Mr. McIntyre and Mr. Hobbs responded to questions of Councilmember Dages relative to authorized positions, positions funded but never filled, and positions filled with temporary employees, with Councilmember Dages stating it seemed like the unfilled positions were unnecessary.

MOTION - Dages/Castillo - Eliminate any position not filled prior to December 31, 2002, and eliminate the 2 Chief of the Solid Waste Operations positions

Mr. Hobbs stated staff needed to report back on the impact of the motion and on the positions filled by temps stressing the department was one of leanest operations in the city in terms of positions they have reduced year after year and reiterated and stressed Council needed to be aware of the impact of any position reduction.

Acting President Castillo spoke to the issue of privatization of commercial solid waste and presented questions relative to why charging a franchise fee had not been looked at as an option for a revenue source and how long direct competition had been going on, with Mr. McIntyre, Mr. Weimiller, Mr. Hobbs and City Attorney Montoy responding throughout and clarifying issues. Councilmember Duncan spoke briefly to the issue and cautioned Council about aggressively competing with businesses who can not compete with the city and added there was no need to put people out of work and destroy businesses for some short-term revenue gains. Acting President Castillo continued and presented questions relative to the proposed CRT fee and who that fee would be charged to **(6 - 0)**, with Mr. Weimiller responding. Acting President Castillo stated his concern was TV monitors would end up being dumped on sidewalks in poorer neighborhoods and sit there for some time as people would not be able to afford the fee to dispose the CRTs at the landfill.

MOTION - Castillo/Dages - Hold off on the CRT fee until staff reports back with a plan on recovering at least one-half of the fees.

President Boyajian spoke to the issue of the projected deficits stating he agreed with Councilmember Duncan, stated staff was coming to Council with a lot of conjecture, and concurred a plan was needed; and spoke to the issue of alley pick-up and presented questions relative to the vacant positions and if efforts were being made to fill them, if new user fees were incorporated in this budget, and hazardous waste management/CRT disposal, with Mr. McIntyre responding throughout.

Mr. McIntyre responded to questions of Councilmember Perea relative to transfer station, the RFP process and why it has taken so long, timeline for the RFP, timeline to see a transfer station, and savings to be derived. There was no further discussion.

MAYOR'S OFFICE

Budget Manager Smith gave a brief overview of the proposed FY 04 budget; Chief of Staff White spoke to FY 03's accomplishments; and Mayor Autry spoke to the proposed budget, stated he was not looking for anything more than what was needed, and spoke to staffing comparisons with other cities noting his office was below staffing and requested Council take that into account.

Barbara Hunt, 2475 S. Walnut, spoke to various aspects of the Mayor's budget and his authorities; and Gloria Torrez, Fresno, stated bus riders needed to be a part of Operation Clean Air, all FAX money needed to stay with FAX, remove fare increase, increase frequencies on key lines, and need for bus stop amenities.

Councilmember Duncan complimented the Mayor on his regionalism approach; spoke in support of the budget stating it addressed serious issues and elaborated **(7 - 0)** and added the Mayor was not afraid to take on all those issues; and stated it was Council's obligation to provide the resources and tools to move the Mayor's and the city's agenda forward. Councilmember Perea also spoke in support of the regionalism issue, and presented questions relative to the Regional Jobs Initiative (RIJ) and what the \$25,000 paid for, and the Ready Program, with City Manager Hobbs and Mayor Autry responding. Councilmember Perea expressed concern that some services would be reduced to pay for the Ready Program and stated he was not ready to sacrifice services noting a lot of the services were in the south. Councilmember Sterling spoke to the social service organizations and questioned why some were funded and others were not citing one that scored high on the recommendations, and spoke to the lack of communication with the Mayor's office at times and stated she wanted to meet his staff and see and hear what was going on, with Mr. Hobbs and Mayor Autry responding.

Councilmember Dages spoke to the Office of Education stating he had a difficult time with it, and acknowledged and emphasized education was a priority but stated it was also a priority for the people who were elected to do that job -- the trustees.

MOTION - Dages/Sterling - Eliminate the Office of Education (two positions).

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Councilmember Dages spoke additionally to the motion, and Councilmember Sterling stated her concern was District 3 needed a junior high school, with Mayor Autry responding to both throughout and speaking in opposition to the motion. Acting President Castillo clarified everything in the budget was suspect and ready and willing to be questioned over and over, and stated issues and motions would be “thrown out” for discussion and there were no sacred cows, disagreement was going to occur, the public expected dialog, and no one doubted the Mayor’s passion for kids.

President Boyajian commended the Mayor’s office and staff and spoke to the need to move the \$233,900 in CDBG funding to assist residents in owning their own home to Housing or CDBG so there would be no duplication of services and explained, with Ms. White responding the funds were already in the CDBG budget. President Boyajian also noted Council was “hit” with a lot of information relative to the budget and the convention center and he wished it had been submitted earlier stating receiving it late made it difficult to sort out. Mayor Autry thanked Council for allowing the limited debate and there was no further discussion.

RECESS - 4:23 P.M. - 4:38 P.M.

PLANNING & DEVELOPMENT DEPARTMENT

Planning & Development Director Yovino acknowledged and thanked his staff all the work they do every day and gave an overview of the department’s proposed budget (**8 - 0**).

Speaking in support of rail consolidation (a motion subsequently made by Councilmember Calhoun) were: Tom Bakey, 1941 W. Santa Ana; Annie Lokrantz, 927 E. Weldon; Dennis Manning, 1162 N. Chapel Hill, Clovis; and Barbara Hunt 2475 S. Walnut.

Councilmember Calhoun stated he was pleased with the reorganization and commented and presented questions relative to sign enforcement, funding for the Pinedale Specific Plan, if efforts were going to be made to have the city become a voting member of LAFCO, the department being large and lacking an assistant director or another senior level type position, and need for rail consolidation to be addressed as an integral part of the general plan. Councilmember Calhoun recommended an assistant director be added to the department with one-fourth of his time specifically devoted to rail consolidation and explained the duties.

MOTION - Calhoun/Sterling - Add an Assistant Director position with one-fourth of his time devoted to rail consolidation.

Code Enforcement Manager Villa and City Attorney Montoy responded to questions and comments of Councilmember Perea relative to the code enforcement violation appeal fee, how many times a violation could be appealed, concern with the impact the fee may have on seniors wanting to appeal but unable to afford the fee, if a motion could be made to exclude seniors from the fee (with Councilmember Perea stating he would reserve a his right to make a motion until the city attorney’s office can come back with direction on that issue), and the inability of people to pay the payment plan processing fee on top of code violations fees (**9 - 0**).

MOTION - Perea/Castillo - Eliminate the Payment Plan Processing Fee.

Mr. Yovino and City Manager Hobbs responded to questions and/or comments of Councilmembers Perea, Sterling and Castillo relative to funding for the Broadway Row project, the Veteran’s Home, what the department’s role would be in economic development, permits, turn-around time and new positions, funding/position to implement recommendations of the Southwest Fire Task Force, violations still occurring with the car lot and barbed wire fence ordinances and what staff was doing relative to enforcement, need to proactive with yard sales, compliment on passage of general plan and the city growing inward, and the CURE budget.

MOTION - Castillo/(no second) - Take \$600,000 for CURE and look into moving it to housing rehabilitation, and take \$800,000 out of DAP’s \$1.5 million and direct it towards housing rehabilitation to be equally divided among all districts.

Brief discussion ensued on the motion with Ms. Quinto clarifying \$600,000 was not allocated to CURE in this budget and Mr. Yovino clarifying the \$600,000 was committed to CURE and was not available. City Manager Hobbs recommended the Housing Task Force

review the issue and make recommendations on how to best allocate all the funds. Upon question of Ms. Quinto, President Boyajian and Acting President Castillo stated the funding source would be the DIP and DAP Programs. Councilmember Sterling expressed concern with taking funds from the DAP program and spoke in opposition stressing those funds needed to be left where people needed them. President Boyajian spoke to vacant building issue, investment and tax revenue, inner-city fees, what the cost would be for zero fees for inner-city investment, and funding for professional services, with Mr. Yovino responding. President Boyajian clarified all housing issues would be reviewed by the Housing Task Force as requested by Councilmember Calhoun. There was no further discussion.

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RECESS - 6:01 P.M. - 6:32 P.M.

ECONOMIC DEVELOPMENT DEPARTMENT

Economic Development Director Burkhardt reviewed FY 03 highlights and issues and gave an overview of FY 04's budget and goals.

Barbara Hunt, 2475 S. Walnut, spoke to various aspects of the department's budget.

(10 - 0) Councilmember Duncan commended the department stating he liked where the city's internal economic development effort was going and elaborated at length. Councilmember Calhoun stated he was pleased with the reorganization, stated economic development needed to be a key part of the city, noted the department only had 6 employees and questioned if that was equitable, stated he would have liked to have seen tighter objectives, and spoke to the need for the department and the Redevelopment Agency to work together. Councilmember Sterling concurred the department was doing very well stating they were the front people for Fresno. City Manager Hobbs stated he was very impressed with the numbers and upon his request an unidentified staff member explained the \$1.5 million loan pool and which small businesses could access those funds. Mr. Hobbs and Mr. Burkhardt expanded further on the issue. President Boyajian presented questions relative to funding for the EDC, if EDC differentiated from what the city was doing, working relationship with the EDC, and desire to see the 108 financing continue, with Mr. Burkhardt and Mr. Hobbs responding throughout. There was no further discussion.

FINANCE DEPARTMENT

Finance Director Quinto reviewed her department's budget considerations and accomplishments and gave an overview of the proposed FY 04 budget including unfunded needs and challenges.

Barbara Hunt, 2475 S. Walnut, spoke to various aspects of the department's budget.

Councilmembers Calhoun spoke briefly to the department's unfunded need, the call center, stating it was very essential and important and the city needed to move on that. Councilmember Duncan commented on the utility billing review the department was going to undertake and questioned if there were any plans to consider out-sourcing the billing, and spoke to the call center and funding and to the benefits received with the bond refinancing, and commended Ms. Quinto and her department.

(11 - 0) Councilmember Calhoun stated he felt very strongly about the call center and could not think of anything else that could have more of a potential payoff for all the council districts and explained his funding proposal to make the process begin.

MOTION - Calhoun/Duncan - Each Council District appropriate \$12,000 to fund Phase I of the Call Center.

President Boyajian questioned if leveraging vendors had been looked into, if what Fresno State did with vendors was different than what the city could do, and if grant management was going to be located in the finance department, with Ms. Quinto and City Attorney Montoy responding.

There was no further discussion and the budget meeting was continued to Thursday, June 19, 2003, at 1:30 p.m.

f. CITY MANAGER

g. CAPITAL BUDGET CITY-WIDE

Laid over to June 19, 2003.

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ADJOURNMENT

There being no further business to bring before the City Council, the hour of 7:45 p.m. having arrived and hearing no objections, President Boyajian declared the budget meeting continued to Thursday, June 19, 2003, at 1:30 p.m. and the Council meeting adjourned.

APPROVED on the 24th day of June, 2003.

_____/s/_____
Tom Boyajian, Council President

ATTEST:

_____/s/_____
Yolanda Salazar, Assistant City Clerk

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